

Application No. UP-685-05, Mark and Kathleen Barker: Request for a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a 795-square foot detached accessory apartment on a 0.93-acre parcel of land located at 406 Old Lakeside Drive (Route 792) approximately 180 feet east of its intersection with Whispering Pines Drive (Route 1554) and further identified as Assessor's Parcel No. 30K-1-3B. The property is zoned R20 (Medium Density Single-Family Residential District) and is designated Medium Density Residential in the Comprehensive Plan.

Mr. Earl Anderson, Planner, reported to the Commission summarizing the staff report dated September 29, 2005, in which the staff recommended approval.

Mr. Ptasznik asked if the proposal included a walkway from the main house to the proposed apartment. **Mr. Anderson** said the applicant could best answer the question about a walkway. **Mr. Hamilton** inquired if drainage from the rear property line would be adequate, and **Mr. Anderson** noted Condition 2 of the proposed resolution referred to the sketch plan submitted by the applicant that showed the structure being 20 feet from the property line. This area will remain undisturbed for the eventual use of the drainage project.

Chair Ptasznik opened the public hearing.

Ms. Kathleen K. Barker, 406 Old Lakeside Drive, said her mother would occupy the accessory apartment, and the applicants have proposed a simple walkway to the accessory apartment.

Mr. Mike Squires, 300 Old Lakeside Drive, asked if the 20-foot setback from the property line and the 20-foot setback required for the County's planned drainage project would cause the elimination of the present tree buffer, and if the two setbacks are one and the same. **Mr. Anderson** said the design of the drainage project has not been done, but such projects usually preserve vegetative buffers. He offered to confirm that with the County's engineer for the drainage project. **Mr. Anderson** confirmed the buffer will total 20 feet because the usual 10-feet of setback would be replaced by the 20 feet required for the drainage buffer.

Mr. Hamilton suggested the applicants need more buffer than 20 feet because of the uncertainty of the drainage project design. **Mr. Carter** recommended a condition requiring a 30-foot easement to ensure the applicant has adequate space for their construction without infringing upon the drainage project. **Ms. Barker** said that would be an acceptable condition.

Mr. Hamilton moved adoption of proposed Resolution PC05-44(R).

Resolution No. PC05-44(R)

On motion of Mr. Hamilton, which carried 5:0 (Abel and Davis absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 406 OLD
LAKESIDE DRIVE

WHEREAS, Mark and Kathleen Barker have submitted Application No. UP-685-05 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.93-acre of land located at 406 Old Lakeside Drive (Route 1554) and further identified as Assessor's Parcel No. 30K-1-3B (GPIN #T06A-2295-4108); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of October, 2005, that Application No. UP-685-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.93-acre of land located at 406 Old Lakeside Drive (Route 1554) and further identified as Assessor's Parcel No. 30K-1-3B (GPIN #T06A-2295-4108) subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained in a proposed detached structure on a 0.93-acre of land located at 406 Old Lakeside Drive (Route 1554) and further identified as Assessor's Parcel No. 30K-1-3B (GPIN #T06A-2295-4108).
2. The apartment shall be contained within a proposed structure located on the southern side of the subject property as indicated on the sketch plan submitted by the applicant titled "406 Old Lakeside Drive" prepared by York County Geographic Information Systems, Division of Computer support Services, Department of Financial & Management Services and received by the Planning Division on September 28, 2005.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of 795 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.

6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.

8. All structures shall remain thirty feet (30') from the rear property line.

8.9. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.

9.10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.
